



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

Murthi Nanja

Serial No.: 09/778,565

Filed: February 7, 2001

For: Aggregating Web Data on Clients and  
Distributing the Aggregated Data to  
Wireless Handheld Devices

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Art Unit: 2166

Examiner: Isaac M. Woo

Atty Docket: ITL.0521US  
(P10765)

Assignee: Intel Corporation

Mail Stop **Appeal Brief-Patents**  
Commissioner for Patents  
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**APPEAL BRIEF**

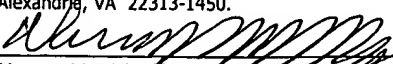
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Date of Deposit: March 29, 2006

I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Nancy Meshkoff

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### **REAL PARTY IN INTEREST**

The real party in interest is the assignee Intel Corporation.

**RELATED APPEALS AND INTERFERENCES**

None.

### **STATUS OF CLAIMS**

Claims 1-8, 12-19, and 23-25 (Rejected).

Claims 9-11 and 20-22 (Canceled).

Claims 1-8, 12-19, and 23-25 are rejected and are the subject of this Appeal Brief.

## **STATUS OF AMENDMENTS**

All amendments have been entered.

## SUMMARY OF CLAIMED SUBJECT MATTER

In the following discussion, the independent claims are read on one of many possible embodiments without limiting the claims:

1. A method comprising:  
aggregating information from two or more web sites on a client (Figure 4, blocks 406, 408; specification at page 8, lines 2-7 and page 6, lines 18-24);  
detecting the occurrence of a predetermined time (Figure 4, diamond 410; specification at page 8, lines 8-12); and  
automatically transferring information to a wireless device at the predetermined time, from said two or more web sites in a single connection session (Figure 4, block 412, specification at page 8, lines 8-12).

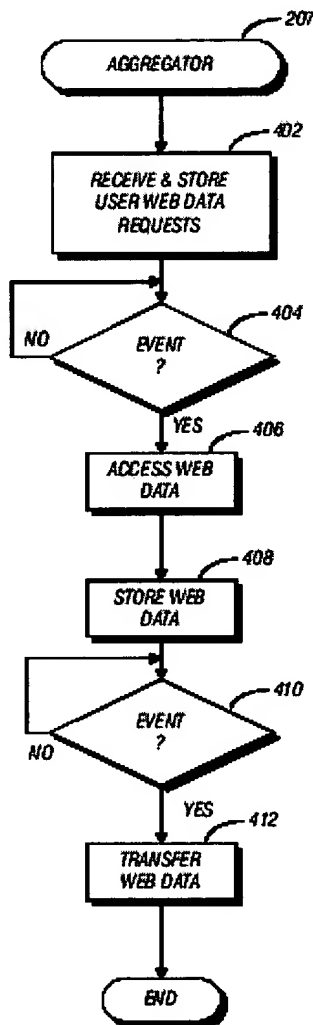


FIG. 4

12. An article comprising a medium storing instructions that, if executed, enable a processor-based system to:

aggregate information from two or more web sites on a client (Figure 4, blocks 406, 408; specification at page 8, lines 2-7 and page 6, lines 18-24);

detect the occurrence of a predetermined time (Figure 4, diamond 410; specification at page 8, lines 8-12); and

automatically transfer information to a wireless device at the predetermined time, from said two or more web sites in a single connection session (Figure 4, block 412, specification at page 8, lines 8-12).

23. A system comprising:

a processor (Figure 1, 113); and

a storage (Figure 1, 115) coupled to said processor, the storage storing instructions that enable the processor to aggregate information from two or more web sites on a client (Figure 4, blocks 406, 408; specification at page 8, lines 2-7 and page 6, lines 18-24), detect the occurrence of a predetermined time (Figure 4, diamond 410; specification at page 8, lines 8-12) and automatically transfer web information to a wireless device at the predetermined time, from said two or more web sites in a single connection session (Figure 4, block 412, specification at page 8, lines 8-12).

At this point, no issue has been raised that would suggest that the words in the claims have any meaning other than their ordinary meanings. Nothing in this section should be taken as an indication that any claim term has a meaning other than its ordinary meaning.



**GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

- A. Are claims 1-8, 12-19, and 23-25 unpatentable over Khan in view of Ohashi?**

## ARGUMENT

### **A. Are claims 1-8, 12-19, and 23-25 unpatentable over Khan in view of Ohashi?**

There are at least three bases that establish the patentability of the claimed invention. While it is respectfully submitted that a *prima facie* rejection is not made out, even if one were made out, the following remarks would rebut any purported *prima facie* rejection.

Kahn explicitly teaches away for two reasons. Firstly, as already conceded by the Examiner, he fails to teach transferring data at a predetermined time from two or more Websites in a single connection session.

The attempt to rely on Ohashi to overcome this deficiency is unavailing. Ohashi does not face the same problem that the Applicant or Kahn would face. Namely, in the case of a printer printing a document, all of the pages from the document are always available. Thus, there is no need to delay in order to accumulate the information you want to transfer. The entire document with its multiple pages is simply transferred.

In contrast, in connection with aggregating information Web pages, there is a different situation where the data may become available at different times. The Examiner apparently concedes that Kahn does not accumulate the Web pages, he simply presents them as they develop.

Thus, Kahn teaches away because he does not transfer multiple Web pages at a predetermined time in a single connection session. Ohashi does not remedy the situation because he is not faced with the same context.

There is an additional deficiency in Kahn as well. Kahn does not aggregate the Web pages in a client. Instead, he explicitly aggregates them in a network server. The difference between aggregating on the client associated with the wireless device versus the server is explained in the present application at page 11, lines 11-24. Some of those advantages include reducing the wireless unit owner's Internet connection time charges as information is aggregated and distributed to his or her system, providing opportunities for customizing aggregated data based on the wireless unit owner's preferences and providing a default view of the aggregated data to the unit owner if required.

The third reason for patentability is that there is no rationale to modify the references. No rationale has ever been pointed to to date. It seems that the assertion from the case law is that

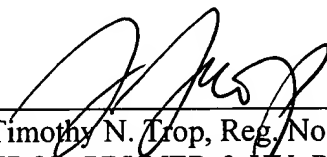
the case law permits the establishment of a *prima facie* case in the abstract. To the contrary, the Manual of Patent Examining Procedures is explicit that the rationale must be based on the prior art and pointed to in the office action in order to make out a *prima facie* case. While it is true that the rationale to combine can come from multiple prior art sources, the particular source relied upon and the rationale must itself be pointed out in the rejection. *Prima facie* obviousness may be established when the teachings of the prior art appear to suggest the claimed subject matter, as argued by the Examiner, but the rationale to establish the suggestion must be specifically pointed to and identified within the prior art. Since that has not been done here, a *prima facie* rejection is not made out.

In the event that the Examiner were correct that a *prima facie* rejection is made out, that rejection is rebutted because of the advantages of aggregating in the client, as opposed to the server, and because of the advantages in this context of accumulating information that is not available at the same time, unlike the printer prior art, and transferring it at a predetermined time in one connection session.

Applicant respectfully requests that each of the final rejections be reversed and that the claims subject to this Appeal be allowed to issue.

Respectfully submitted,

Date: March 29, 2006



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## **CLAIMS APPENDIX**

The claims on appeal are:

1. A method comprising:  
aggregating information from two or more web sites on a client;  
detecting the occurrence of a predetermined time; and  
automatically transferring information to a wireless device at the predetermined time, from said two or more web sites in a single connection session.
2. The method of claim 1 including aggregating the information from two or more web sites on a processor-based system connectable to the wireless device.
3. The method of claim 1 including receiving user requests for information from web sites and storing said information received from web sites.
4. The method of claim 2 including establishing a telephone connection and during that connection, accessing the requested information from at least one web site.
5. The method claim 4 including accessing information from at least two web sites using a single connection.
6. The method of claim 1 including aggregating said information in response to the detection of an event.
7. The method of claim 6 including detecting a period of low activity on a processor-based system.
8. The method of claim 6 including detecting a predetermined time.

12. An article comprising a medium storing instructions that, if executed, enable a processor-based system to:

aggregate information from two or more web sites on a client;

detect the occurrence of a predetermined time; and

automatically transfer information to a wireless device at the predetermined time, from said two or more web sites in a single connection session.

13. The article of claim 12 further storing instructions that enable the processor-based system to aggregate the information from two or more web sites for transmission to the wireless device.

14. The article of claim 12 further storing instructions that enable the processor-based system to receive user requests for information from web sites and store the information received from web sites.

15. The article of claim 13 further storing instructions that enable the processor-based system to establish a telephone connection and, during that connection, access the requested information from at least one web site.

16. The article of claim 15 further storing instructions that enable the processor-based system to access data from at least two web sites using a single connection.

17. The article of claim 12 further storing instructions that enable the processor-based system to aggregate the information in response to the detection of an event.

18. The article of claim 17 further storing instructions that enable the processor-based system to detect a period of low activity on a processor-based system.

19. The article of claim 17 further storing instructions that enable the processor-based system to detect a predetermined time.

23. A system comprising:  
a processor; and  
a storage coupled to said processor, the storage storing instructions that enable the processor to aggregate information from two or more web sites on a client, detect the occurrence of a predetermined time and automatically transfer web information to a wireless device at the predetermined time, from said two or more web sites in a single connection session.

24. The system of claim 23 including a wireless connection connectable to the wireless device.

25. The system of claim 23 including an Internet connection.

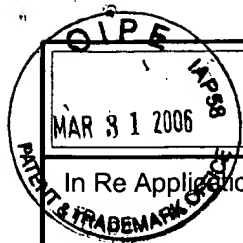
## **EVIDENCE APPENDIX**

None.

**RELATED PROCEEDINGS APPENDIX**

None.





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TRANSMITTAL OF APPEAL BRIEF (Large Entity)

Docket No.  
ITL.0521US

In Re Application Of: Murthi Nanja

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/778,565	February 7, 2001	Isaac M. Woo	21906	2166	4410

Invention: Aggregating Web Data on Clients and Distributing the Aggregated Data to Wireless Handheld Devices

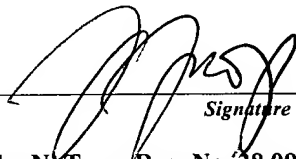
COMMISSIONER FOR PATENTS:

Transmitted herewith in triplicate is the Appeal Brief in this application, with respect to the Notice of Appeal filed on  
February 21, 2006

The fee for filing this Appeal Brief is: \$500.00

- ☒ A check in the amount of the fee is enclosed.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 20-1504
- ☐ Payment by credit card. Form PTO-2038 is attached.

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Signature

Dated: March 29, 2006

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